

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37987 of 2020

Arising Out of PS. Case No.-62 Year-2020 Thana- MOHIUDDIN NAGAR District-
Samastipur

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DEV NANDAN PRASAD SON OF LATE KIRANI SAH RESIDENT OF
VILLAGE - MOHMADPUR, P.S. - MOHIUDDINNAGAR, DISTRICT -
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Deepak Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Narsingh Tanti, APP
For the Informant	:	Dr. Amrendra Kumar, Advocate Ms. Sanjana, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-03-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mohiuddinnagar P.S. Case No. 62 of 2020 for the offence
registered under Sections 147, 148, 149, 341, 323, 324, 325, 307
and 302 of the Indian Penal Code.

The allegation is regarding the accused persons
including the petitioner herein having assaulted the informant,
the father-in-law of the informant and husband of the informant
whereafter subsequently the father-in-law of the informant died
during the course of treatment.

The learned senior counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely



implicated in the present case and he is languishing in custody since 26.06.2020. The learned senior counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against the petitioner and he has not been specifically alleged to have engaged in any sort of overt act much less having assaulted the deceased.

Per contra, the learned counsel for the informant as also the learned A.P.P. for the State have vehemently opposed the prayer for bail and it has been submitted by the learned counsel for the informant that the petitioner should not be granted the privilege of bail inasmuch the husband and brother-in-law of the informant have been threatened and they are being pressurized to withdraw the case.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties, and taking into account the materials available on record as also those available in the case diary, this Court finds that minuscule evidence is available on record to connect the petitioner with the alleged crime and moreover a general and omnibus allegation has been levelled against the petitioner and there is no specific allegation of the petitioner having assaulted the deceased, hence I deem it fit and proper to direct for



release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Samastipur in connection with Mohiuddinnagar P.S. Case No. 62 of 2020.

It is needless to state that the petitioner would mark his attendance before the Officer In-Charge of the concerned Police Station at 10:30 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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